IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3406 OF 2005

Gajanan Appa Nagaonkar ..Petitioner.

Versus

Govind Hiru Nagaonkar ..Respondent.

Mr. R.S. Apte with A.A.Garge for the Petitioner.

CORAM : S. A. BOBDE, J.

DATED : 01st SEPTEMBER,2005.

P.C.:

. Mr. Apte, learned counsel for the petitioner, states that the order of the Additional Commissioner, Konkan Division, Mumbai is vitiated in view of the factually incorrect observations in para 2 that - "The Civil Suit between the parties was also decided in favour of the Respondent.". He further submits that the observation of the learned commissioner that there are no prayers, is also factually incorrect.

. Hence, the petitioner is at liberty to make appropriate application before the learned Additional

Commissioner, Konkan Division, Mumbai, who shall decide it on merit.

. Petition is disposed of in the above terms.

DT.01.09.05 (S.A.BOBDE,J)

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